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Branch Chair  
Mrs Jan Arger

**Authority:** North York Moors National Park Authority

**Type of consultation:** planning application

**Full details of application/consultation:** NYM/2019/0764/MEIA – **Additional Information** - Application in respect of the winning and working of polyhalite and salt over a 25 year period from 2023, temporary importation of muriate of potash (MOP) to allow the production of fertiliser products until 2027, retention and operation of all surface installations, buildings, plant etc subject to a phased deconstruction plan within the 25 year period and a three year period for site decommissioning and restoration at the end of the 25 year period

**At land at:** Boulby Mine, Loftus

**Type of response:** Comment

**Date of Submission:** 13<sup>th</sup> August 2021

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:

## Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on the additional information submitted in support of the above application submitted by Cleveland Potash Ltd. ('the applicant') to the North York Moors National Park Authority ('NPA') in July 2021. CPRENY has taken the opportunity to review the documentation submitted in support of the application.

As set out in our previous response (dated 6<sup>th</sup> December 2020), CPRENY does not object to the proposal at this location per se, given that the mine and its associated activities have been operational at the site for over 40 years. However, does consider that the proposal does constitute major development in a National Park, to which, as set out in national planning policy, great weight should be given to conserving and enhancing landscape and scenic beauty. As such the NPA should ensure that the new proposals would satisfy the tests in paragraph 177 of the revised National Planning Policy Framework (NPPF) (2021) and determine whether the proposals are suitable for the nationally designated location.

CPRENY do not object to the winning and working of polyhalite and salt over a 25-year period from 2023. However, CPRENY previously set out some concerns in relation to significant parts of the proposal which we consider to remain outstanding. This representation should, therefore, be read alongside our previous response (06.12.20) to the proposals.

In addition to previous concerns, CPRENY note that the noise monitoring results set out within the tables of section 6 of the additional information show that the recorded operation noise levels are higher at all locations than the absolute cap of 42 LAeq DBA as set out in the Minerals PPG at night time. The PPG is very clear that this level is an absolute cap and that night time noise levels should be reduced to a minimum – without placing onerous burden on the operator (usually financial) . CPRENY would not therefore agree to a condition limiting noise to 42DBA at night time, but encourage the MPA to insist that the levels are reduced as low as can be (being satisfied with proof of burden as a reason to not reduce lower) and condition that level in order to protect residential amenity and health.

The World Health Organisation (WHO) document 'Guidelines for Community Noise' (1999) provides guidance to environmental health authorities and practitioners tasked with protecting people from the harmful effects of noise. WHO define 'health' as a '*state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*' and clearly state that '*the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being...*' Further, The guidance states sleep disturbance is considered to be a major environmental noise effect, with the primary effects being difficulty in falling asleep and alterations of sleep stages and depth, increased heart rate and an increase in body movements.

The WHO 'Night Noise Guidelines for Europe' ('NNG', 2009) presents more recent guidelines for night-time noise exposure and is an extension of the WHO Guidelines for Community Noise. Vulnerable groups are identified in the NNG as being children, the elderly, and those with poor health.

NNG summarises the effects and threshold levels where there is sufficient evidence, and includes;

- Sleep quality:  $\geq 42$  dB  $L_{\text{night, outside}}$  – increased average motility when sleeping
- Well-being:  $\geq 42$  dB  $L_{\text{night, outside}}$  – self reported sleep disturbance  
 $\geq 40$  dB  $L_{\text{night, outside}}$  – use of sleep somnifacient drugs and sedatives

NNG summarises the effects and threshold levels where there is limited evidence, and includes;

- Well-being:  $\geq 35$  dB  $L_{\text{night, outside}}$  – complaints

Health effects from noise exposure are summarised as follows with the indicator used being  $L_{\text{night, outside}}$ ;

- Up to 30 dB  $L_{\text{night, outside}}$  - no substantial biological effects are observed, and is equivalent to the NOEL for night-noise.
- 30-40 dB  $L_{\text{night, outside}}$  - a number of effects are observed, with the '*intensity of the effect*' dependant on the character of noise, with 40 dB  $L_{\text{night, outside}}$  being equivalent to the LOAEL threshold for night noise including the elderly, and chronically ill (vulnerable groups).
- 40-55 dB  $L_{\text{night, outside}}$  – observed adverse health effects on those exposed, with vulnerable groups being more severely affected.
- >55 dB  $L_{\text{night, outside}}$  – considered dangerous for public health.

Given the number of noise complaints having been made from local residents regarding current operations, it is understandable from the evidence presented from CPL as to why these complaints might have been made when considering the information in light of the NNG.

The NPPF sets out at paragraph 174 that decisions should contribute to and enhance the natural environment by: (inter alia)

*'E) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. [...]*

Paragraph 185 takes this further setting out that '*decisions should also ensure that new development is appropriate for its location taking into account likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*' (inter alia)

*A) 'Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.'* [...]

It is hard to understand why the applicant has considered that a night time level, at paragraph 6.6.47 is 'not significant' when table 6.21 clearly identifies 2 receptors as having the potential for significant adverse effect which they explain in paragraph 6.6.44. As noise levels at night can cause annoyance and impact quality of sleep and subsequently health at levels above 35DBA, CPRENY consider that all 4 receptors should have been considered to be 'significant'.

CPRENY, therefore, believe that the MPA should require the operator to reduce the noise levels further at night time to ensure that local residents are not impacted by the works and so as to be in line with planning policy set out above. Simply because levels are 42DBA does not mean they meet the policy. The policy requires the noise pollution to be 'reduced to a minimum'. It is understood that noise abatement works and the turning off of particular machinery off during the night has been suggested. However it is thought that a specific scheme for noise mitigation which specifies the provisions to be made for the control of noise emanating from the site should be submitted to the MPA prior to the determination of this application to help reduce noise levels at night even further.

CPRENY welcomes the intention to remove a number of tall structures from the site within the next 10 years, however, believes that some of this should commence as soon as possible in order to reduce the impact on the landscape as quickly as possible. This should be conditioned to take place by an agreed timescale. CPRENY welcomes the commitment to review other parts of the site every five years.

Furthermore, CPRENY would hope that the applicant could enter into an agreement with the MPA to ensure that any net gain for biodiversity across the site and return to natural habitats are commenced prior to, or at

least alongside, major infrastructural works to enable ecological networks to become established as soon as possible.

It is noted that in relation to the proposed solar array, the applicant has stated that it lays outside the scope of this application. It is also noted that the applicant considers that the development of the Teeside facility is not essential to the initial stages of proposed work at Boulby.

In conclusion, whilst not objecting to the principle of further development at the established site per se, CPRENY consider that the NPA as the MPA should ensure that the special features of the NP are protected and that the impact on the surrounding environment and residents reduced to a minimum if minded to approve the proposals.

CPRENY reserve the right to comment should further information be submitted in support of the proposals.